

## **THE HUMAN RIGHTS AS A GROUP AND COLLECTIVE RIGHTS**

This paper focuses on the Collective and Group Dimension of Human Rights. This article examines the characterization of the human rights in respect of the generation of the human rights. The division of human rights into three generations was proposed in 1979 by French jurist Karel Vasak at the International Institute of Human Rights in Strasbourg. According to Karel Vasak, the first generation of the human rights – civil and political rights – are based on the liberty, the second generation of the human rights – economic, social and cultural rights – are based on the equality and the third generation of the human rights – right of solidarity – are based on fraternity.

In this context, this paper will also discuss if “the collective right” or “right of people” can protect the individuals or the society.

The doctrine of human rights rose in the seventeenth century, but the origins of the concept of “human rights” can be found in Ancient Greece. Before the end of the Second World War the subject of the international human rights law was limited to the cases of slavery, humanitarian intervention, the treatment of aliens, minorities and the treatment of prisoners.

The protection of human rights under international law began after the Second World War when the first generation human rights appeared in the 1948 – Universal Declaration of Human Rights. This generation of human rights refer to traditional civil and political liberties, the prerogatives of individuals. They serve to protect the individual from excesses of the state.

The second generation human rights are mostly positive rights. They are exercised by all community collectively. The State is obliged to provide to the people this right, so the realisation of this right require affirmative government action.

The right to economic and social development, the right to peace, the right to a healthy environment, the right to self – determination, the right to communicate, the right to natural resources and the right to intergenerational equity are named the third generation human rights, “solidarity rights” or “rights of people”.

The second and third generation human rights are usually styled as group rights or collective rights, because they pertain to the whole societies. Moreover, the third generation rights pertain to the future generation of mankind. In contrast with first generation human rights, second generation and third generation presuppose a “duty” of all people. The realisation of these rights require participation of the whole community. According to Yoram Dinstein “Individual human rights (e.g. freedom of expression or freedom of religion) are bestowed upon every single human being personally. Collective human rights are afforded to human beings communally, that is to say, in conjunction with one another or as a group – a people or a minority.” (Yoram Dinstein, “Collective Human Rights of Peoples and

Minorities”, International and Comparative Law Quarterly, 1976, p. 102-103, in “Rethinking “Third Generation” Human Right”, Bulent Algan, Ankara Law Review, Vol:1, No: 1 (Summer 2004), p. 121-155). Similarly, the difference between individual rights and collective rights is how they are exercised.

On the other hand, there are many controversies in this area. For example the right to development or the right to a clean environment are considered as an individual and a collective right at the same time (“Rethinking “Third Generation” Human Right”, Bulent Algan, Ankara Law Review, Vol:1, No: 1 (Summer 2004), p. 121-155, p. 130). Moreover, Jack Donnelly has stated that “All human rights require collective action if they are to be realized for all” (Jack Donnelly, “The Theology of the Right to Development: A Reply to Alston”, p. 521, in “Rethinking “Third Generation” Human Right”, Bulent Algan, Ankara Law Review, Vol:1, No: 1 (Summer 2004), p. 121-155, 130).

However, the subjects of the human right are not the same. The right – holders of the first and second generation human rights are the human individuals and the duty – holders are states. In the third generation human right the right – holders and the duty – holders can be individuals, people, states or community (“Rethinking “Third Generation” Human Right”, Bulent Algan, Ankara Law Review, Vol:1, No: 1 (Summer 2004), p. 121-155” p. 136). Consequently, it is suggested that the right of individuals can be a genuine human right. In other words, the first generation of human rights can be called the true human right.

Finally, the collective and group of human rights are the developed rights and can not be understood in the traditional way.

### **Literature**

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